

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

UNILEVER SUPPLY CHAIN, INC.  
1 John Street  
Clinton, Connecticut 06413,

Plaintiff,

v.

JOSHUA W. STEENMEYER d/b/a  
PopsicleShirts.com, Inc.  
6001 Shining Light Avenue  
Las Vegas, NV 89139,

Defendant.

CASE NO. 1:07-cv-03705 (NRB)

JURY TRIAL DEMANDED

**DECLARATION OF J. KEVIN FEE IN SUPPORT OF  
PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**

I, J. Kevin Fee, declare under penalty of perjury as follows:

1. I am a partner at Morgan, Lewis & Bockius LLP and am counsel for Unilever Supply Chain, Inc. in the above-captioned case.
2. I make this declaration in support of Unilever Supply Chain, Inc.'s Motion for Summary Judgment.
3. Unilever owns the following registrations, among others, for the POPSICLE mark, which are registered under the Trademark Act of 1946 on the Principal Register of the United States Patent and Trademark Office for the products indicated below.
  - (a) POPSICLE, Registration Number 219,744 registered October 26, 1926 for "nonalcoholic, maltless sirups used in the preparation of frozen confections";
  - (b) POPSICLE THE ORIGINAL BRAND and Design, Registration Number 1,840,718 registered June 21, 1994 for "frozen confections";
  - (c) POPSICLE, Registration Number 2,421,400 registered January 16, 2001 for "frozen confections";

- (d) THE ORIGINAL BRAND POPSICLE and Design, Registration Number 2,651,685 registered November 19, 2002 for “ice cream”;
- (e) POPSICLE, Registration Number 2,668,524 registered December 31, 2002 for “ice cream”;
- (f) THE ORIGINAL BRAND POPSICLE and Design, Registration Number 2,811,550, registered February 3, 2004 for “lip gloss”;
- (g) POPSICLE, Registration Number 2,968,587 registered July 12, 2005 for “bracelets”;
- (h) POPSICLE, Registration Number 2,973,936 registered July 19, 2005 for “toothbrushes”; and
- (i) POPSICLE, Registration Number 3,009,533 registered October 25, 2005 for “footwear”.

4. Unilever’s registrations for POPSICLE (Registration Number 2,421,400) and POPSICLE THE ORIGINAL BRAND Logo (Registration Number 1,840,718) are incontestable.

5. Joshua Steenmeyer (using his Joshua-Online-Productions contact information, [www.joshua-online-productions.com](http://www.joshua-online-productions.com)) registered the domain names [popsicleshirts.com](http://popsicleshirts.com) and [popsicletees.com](http://popsicletees.com) with the Registrar GoDaddy. A true and correct copy of the domain name registration details from the Better-Whois registry search engine are attached at Exhibit A.


6. Joshua Steenmeyer registered the domain name [fuckoffunilever.info](http://fuckoffunilever.info) with the Registrar GoDaddy. A true and correct copy of the domain name registration details from the Better-Whois registry search engine are attached at Exhibit B.

7. True and correct printouts of various pages of the website located at [www.fuckoffunilever.info](http://www.fuckoffunilever.info) as they appeared on June 19, 2007 are attached hereto as Exhibit C.

8. Defendant’s use of the POPSICLE Marks comes over 80 years after use of Unilever’s POPSICLE mark began, nearly 20 years after Unilever’s use of the POPSICLE logo began, and well after the POPSICLE Marks became famous.

9. After receiving Unilever's demand letter in October 2006, Defendant removed the infringing Popsicle Shirts logo from his websites at popsicleshirts.com and popsicletees.com, but Defendant put it back on those websites several weeks later.

I declare under penalty of perjury that to the best of my knowledge, the foregoing information and attached documents are true and correct.

  
J. Kevin Fee